

NO. 22352

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee

v.

ELVIRO ATACADOR, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE  
SECOND CIRCUIT, LANA'I DIVISION  
(CASE NO. CT1: 2/16/99)

SUMMARY DISPOSITION ORDER

(By: Burns, C.J., Watanabe, and Lim, JJ.)

In accordance with Hawaii Rules of Appellate Procedure Rule 35, and after carefully reviewing the record and the briefs submitted by the parties, and duly considering and analyzing the law relevant to the arguments and issues raised by the parties, IT IS HEREBY ORDERED that the Judgment and Sentence of the District Court of the Second Circuit, Lana'i Division, filed on February 16, 1999, from which this appeal is taken, is vacated and the case is remanded for a new trial.

DATED: Honolulu, Hawaii, August 25, 2000.

On the briefs:

Shirley M. Kawamura,  
Deputy Public Defender, for  
defendant-appellant.

Richard K. Minatoya,  
Deputy Prosecuting Attorney,  
County of Maui, for  
plaintiff-appellee.